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SB 342

Public Hearing: 3-3-10

TO: MEMBERS OF THE TRANSPORTATION COMMITTEE
FROM: METRO TAXI
DATE: MARCH 3, 2010

RE: SUPPORTING S.B. 342 – AN ACT CONCERNING THE ISSUANCE
OF A CERTIFICATE FOR THE OPERATION OF A TAXICAB
AND THE ESTABLISHMENT OF A PENALTY FOR THE
OPERATION OF A "GYPSY" CAB.

Metro Taxi supports S.B. 342 with the attached changes and respectfully contend that the bill should be passed.

Section 1.

This section of the proposal is a necessary change to ensure that the Department of Transportation ("DOT") takes into account the effect issuance of additional taxicab certificates may have on existing certificate holders.

The requirement in the statute that certificate seekers prove need and necessity can only be properly determined when existing permit holders and the activity of their taxicabs is given full consideration. This section of the proposed bill will ensure that the coverage and service those taxicabs are providing is taken into account when the DOT seeks to make this important determination.

Maintaining the proper number of taxicabs to meet need and necessity, and no more than the proper number, is vital so that all certificate holders have enough business to meet the costly and necessary safety requirements of the statutes.

Section 2(a).

The intent of this section, along with its corresponding change in the first section, is to ensure that the drivers of taxicabs can be held accountable by the DOT and law enforcement for willful violations of the statutes and regulations which are under their control. We have attached substitute language we feel achieves that goal.

As the statutes currently read, the only party that can be fined or disciplined for violation of any taxicab violation is the holder of the certificate issued by the DOT. Often violations occur which are beyond the certificate holders control, such as when a driver removes or fails to properly display their license. The attached change would allow the DOT and law enforcement officials to ensure that the party actually responsible for the violation is penalized, as opposed to issuing the penalty to a party who likely had no control over the offensive act.

As the law currently stands the only penalty which can be exacted against drivers which habitually violate the statutes or regulations is termination by the certificate holder. Unfortunately, the lack of licensed drivers in the market, coupled with the lack of a mechanism to officially track their violations, allows for these bad actors to secure employment with another certificate holder. The sensible change proposed would provide more teeth to the current statutes and regulations, and make it more difficult for violators to dodge penalty.

Section 2(b).

This section is a sensible measure to ensure unlicensed operators, or those who allow for unlicensed operation of taxicabs, are fully penalized for such drastically unsafe actions. We have attached substitute language we feel strengthens the intent of this section.

Currently it is difficult for the DOT and law enforcement to punish those who operate unlicensed taxicabs, or without authorization allow their taxicabs to be operated by unlicensed or previously terminated drivers. There is no law which provides a penalty for such actions. This change would provide a strong disincentive to engaging in these dangerous activities. This section would provide that those unlicensed who hold themselves out as being taxicab operators, or those who hand over control of their lawfully operated taxicabs to unlicensed or unauthorized third parties are held responsible.

WE RESPECTFULLY URGE YOU TO PASS S.B. 342 Thank you.

SUGGESTED SUBSITITUTE TO SB 342

AN ACT CONCERNING THE ISSUANCE OF A CERTIFICATE FOR THE OPERATION OF A TAXICAB AND THE ESTABLISHMENT OF A PENALTY FOR THE OPERATION OF A "GYPSY" CAB.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

Section 1. Section 13b-97 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2010*):

(a) No person, association, limited liability company or corporation shall operate a taxicab until such person, association, limited liability company or corporation has obtained a certificate from the Department of Transportation certifying that public convenience and necessity require the operation of a taxicab or taxicabs for transportation of passengers, the acceptance or solicitation of which originates within the territory specified in such certificate except as provided under subsection (d) of this section. No such certificate shall be issued unless the department finds that the person, association, limited liability company or corporation is suitable to operate a taxicab service, after giving due consideration to, at a minimum, the following factors: (1) Any convictions of the applicant under federal, state or local laws relative to safety, motor vehicle or criminal violations; (2) the number of taxicabs to be operated under the certificate; (3) the adequacy of the applicant's financial resources to operate the taxicab service; (4) the adequacy of insurance coverage and safety equipment; and (5) the availability of qualified taxicab operators. The department shall consider the effect of issuing a certificate upon existing certificate holders that operate in the territory in which the applicant proposes to operate. The commissioner shall request the state criminal history records check for any person or any officer of any association, limited liability company or corporation applying for such certificate from the State Police Bureau of Identification. The commissioner shall arrange for the fingerprinting of any person or any officer of any association, limited liability company or corporation applying for such certificate and forward the fingerprints to said bureau which shall submit the fingerprints to the Federal Bureau of Investigation for a national criminal history records check for any federal conviction specified in subdivision (1) of this subsection. A fee shall be charged by the commissioner for each such national criminal history records check which shall be equal to the fee charged by the Federal Bureau of Investigation for performing such check. Such certificate shall be issued only after written application, fingerprinting and said criminal history records check for the same has been made and public hearing held thereon. The application shall be accompanied by a fee of eighty-eight dollars and the fee for said criminal history records check. Upon receipt of such application, the department shall fix a time and place of hearing thereon and shall promptly give written notice of the pendency of such application and of the

time and place of hearing thereon to such applicant, the mayor of each city, the warden of each borough or the first selectman of each town in which the applicant desires to originate the transportation of such passengers, and to any common carrier operating within the territory specified. Notwithstanding any provision of this subsection, [to the contrary,] the department may, upon receipt of a written application, amend an existing certificate to increase the number of taxicabs which may be operated pursuant to the certificate without holding a hearing on the application, provided the department issues a legal notice of such application in a daily newspaper in accordance with the provisions of section 1-2, gives written notice of the pendency of such application to any common carrier operating within the territory specified and no objection is filed with the department within thirty days of each such notice. With respect to any application filed under the provisions of this subsection, the department shall not consider as a ground for denial of a request for an increase in the number of taxicabs to be operated within the territory specified, any number of taxicabs not currently registered with the Commissioner of Motor Vehicles at the time of filing of such application or at the time of any hearing held thereon.

(b) Any town, city or borough within which taxicab service is operated or any interested party may bring a written petition to the department with respect to fares, service, operation or equipment or the convenience, protection and safety of passengers and the public. Thereupon, the department may fix a time and place for a hearing upon such petition, and give written notice thereof to the parties in interest at least one week prior to such hearing.

(c) No certificate shall be sold or transferred until the department, upon written application to it setting forth the purpose, terms and conditions thereof, and after investigation, finds that the purchaser or transferee is suitable to operate a taxicab service after consideration of the factors specified in subsection (a) of this section and approves the same. The application shall be accompanied by a fee of eighty-eight dollars. The department may amend or, for sufficient cause shown, may suspend or revoke any such certificate. The department may impose a civil penalty on (1) any person who has a certificate issued by the department or who is the purchaser or transferee of a certificate sold or transferred with the approval of the department, or (2) any officer or employee driver of any association, limited liability company or corporation [who violates] that has a certificate issued by the department or that is the purchaser or transferee of a certificate sold or transferred with the approval of the department, for a violation of any provision of this chapter or any regulation adopted under section 13b-96 with respect to fares, service, operation or equipment, in an amount not to exceed one hundred dollars per day for each violation. Any such certificate issued by the department shall remain valid unless suspended or revoked by the department. Any such certificate issued by the Division of Public Utility Control within the Department of Business Regulation prior to October 1, 1979, or by any transit

district prior to March 1, 1997, shall remain valid unless suspended or revoked by the Department of Transportation.

(d) Any person, association, limited liability company or corporation which has obtained a certificate under subsection (a) of this section may solicit, receive and discharge taxicab passengers at Bradley International Airport, subject to formal agreement with the Commissioner of Transportation provided such agreement shall not take precedence over its obligation to provide taxicab service within the territory specified in such certificate. Any such person, association, limited liability company or corporation may discharge taxicab passengers received at such airport within a territory other than the territory specified in its certificate. The commissioner may charge and collect a reasonable fee from any such person, association, limited liability company or corporation for the privilege of solicitation of such passengers.

Sec. 2. Section 13b-100 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2010*):

(a) (1) Any person who has a certificate issued by the department or who is the purchaser or transferee of a certificate sold or transferred with the approval of the department, or [the officers] (2) any officer or employee driver of any association, limited liability company or corporation [who violate any provision of this chapter or any order or regulation adopted or established under any such provision] that has a certificate issued by the department or that is the purchaser or transferee of a certificate sold or transferred with the approval of the department, shall be fined not more than one thousand dollars for a violation of any provision of this chapter or any order or regulation adopted or established under any such provision, and the certificate issued to [him] such person or to such association, limited liability company or corporation may be revoked.

(b) Any person operating a taxicab without either obtaining a certificate from the Department of Transportation pursuant to section 13b-97 or obtaining authority to operate a taxicab from a certificate holder, or any person allowing an unauthorized person to operate a taxicab which is under their control, shall be guilty of a class A misdemeanor.